## EXHIBIT G

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION and THE PEOPLE OF THE STATE OF NEW YORK, by LETITIA JAMES, Attorney General of the State of New York,

Case No. 1:17-cv-00124-LLS

Plaintiffs.

V.

QUINCY BIOSCIENCE HOLDING COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited liability company;

PREVAGEN, INC., a corporation d/b/a SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE MANUFACTURING LLC, a limited liability company; and

MARK UNDERWOOD, individual and as an officer of QUINCY BIOSCIENCE HOLDING COMPANY, INC., QUINCY BIOSCIENCE, LLC, and PREVAGEN, INC.

Defendants.

### DECLARATION OF TODD OLSON

- I, Todd Olson, hereby declare and state, as follows:
- I have been employed at Quincy Bioscience Holding Company, Inc. since 2007. I
  have held the positions of Market Development Manager, and, most recently, Market Development
  Director, which I have held since 2018.

- 2. In this position, I am responsible for, among other things, overseeing the digital marketing team, managing account based management for regional chains and serving as the point person for certain national chains, overseeing public relations tasks, and assisting with international development efforts.
- 3. This declaration is based upon my personal knowledge, as well as my review of business records, made in the regular course of business at or near the time of the act, event or transactions. The records or reports on which I relied are described herein.

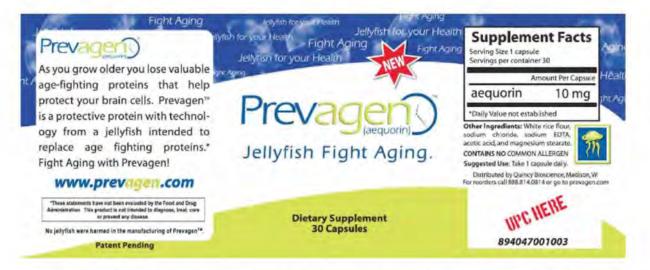
### The Prevagen Product Line

- 4. Prevagen® is a line of dietary supplements that is intended to help with mild memory problems associated with aging.
- Prevagen was first introduced for sale in the United States in or around 2007. One
  of the active ingredients in Prevagen is apoaequorin.
- Between 2007 and the present, Prevagen has been sold in a variety of different formats and sizes (the "Prevagen Products").
- Every package and label of Prevagen sold since 2007 contains the explicit statement that the product "is not intended to diagnose, treat, cure, or prevent any disease."
- Every package and label of Prevagen sold since 2007 contains the phrase "dietary supplement."
  - Prevagen Products do not have an expiration date.
- 10. In or around 2016, the Prevagen Products were reformulated to include Vitamin D. Prevagen Products that contain Vitamin D3 contain 50 micrograms of Vitamin D3 per capsule or chewable tablet.

11. Prevagen is marketed and sold to consumers and non-consumers (including, but not limited to, brick-and-mortar and online retailers, healthcare professionals, and pharmaceutical distributors).

### The Labeling and Packaging of Prevagen Products Changed Over Time

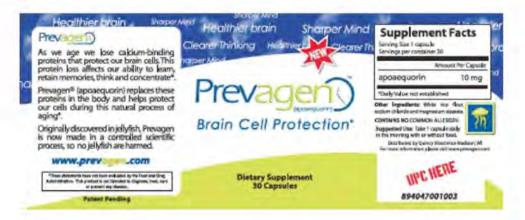
- The labels for Prevagen Products have changed numerous times since 2007.
- 13. Beginning in or around 2007, the labels for Prevagen Products contained the product descriptor "Jellyfish Fight Aging." A representative example of one of these labels is set forth below:



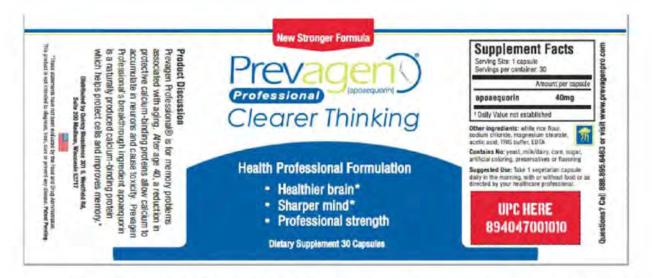
- 14. Prevagen Products with labels bearing the product descriptor "Jellyfish Fight Aging" were available for sale starting in September 2007.
- 15. True and correct copies of examples of the Prevagen Product labels and packaging materials bearing the product descriptor "Jellyfish Fight Aging" have been produced to Plaintiffs and are attached hereto as Exhibit A.
- 16. Prevagen Products with labels and packages bearing the "Jellyfish Fight Aging" product descriptor were no longer being disseminated when the Complaint in this Action was filed

in January 2017. Quincy has no intention of using the "Jellyfish Fight Aging" product descriptor in future advertising or marketing materials for Prevagen.

17. Beginning in or around 2008, the labels for Prevagen Products contained the product descriptor: "Brain Cell Protection." A representative example of one of these labels is set forth below:



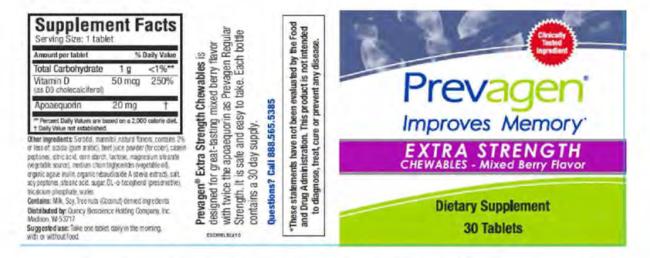
- Prevagen Products with labels bearing the product descriptor "Brain Cell
   Protection" were available for sale starting in July 2008.
- 19. True and correct copies of examples of the Prevagen Product labels and packaging materials bearing the product descriptor "Brain Cell Protection" were produced to Plaintiffs and are attached hereto as Exhibit B.
- 20. Prevagen Products with labels and packages bearing the "Brain Cell Protection" product descriptor were no longer being disseminated when the Complaint in this Action was filed in January 2017. Quincy has no intention of using the "Brain Cell Protection" product descriptor in future advertising or marketing materials for Prevagen.
- 21. Beginning in or around 2011, the labels for Prevagen Products contained the product descriptor "Clearer Thinking." A representative example of one of these labels is set forth below:



- Prevagen Products with labels bearing the product descriptor "Clearer Thinking"
   were available for sale starting in January 2011.
- 23. True and correct copies of examples of the Prevagen Product labels and packaging material bearing the product descriptor "Clearer Thinking" were produced to Plaintiffs and are attached hereto as Exhibit C.
- 24. Prevagen Products with labels and packages bearing the "Clearer Thinking" product descriptor were no longer being disseminated when the Complaint in this Action was filed in January 2017. Quincy has no intention of using the "Clearer Thinking" product descriptor in future advertising or marketing materials for Prevagen.
- 25. Beginning in or around late 2012, the labels for Prevagen Products contained the product descriptor "Improves Memory." A representative example of one of these labels is set forth below:



- 26. Prevagen Products with labels bearing the product descriptor "Improves Memory" were available for sale starting in December 2012.
- 27. True and correct copies of examples of the Prevagen Product labels and packaging material bearing the product descriptor "Improves Memory" were produced to Plaintiffs and are attached hereto as Exhibit D.
- 28. In or around 2016, all of the Prevagen Products were reformulated to include Vitamin D3. The labels for each Prevagen Product that contained Vitamin D3 were changed to reflect the fact that the product now contained Vitamin D3. A representative example of one of these labels is set forth below:



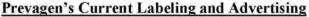
29. Prevagen Products with labels reflecting the addition of Vitamin D3 were available for sale starting in the fall of 2016. 30. True and correct copies of examples of the Prevagen Product labels reflecting the addition of Vitamin D3 were produced to Plaintiffs and are attached hereto as Exhibit E.

### The Advertising Challenged in the Complaint

- 31. I have reviewed the Complaint filed by Plaintiffs in the above-referenced action and am familiar with its contents. I understand that the Complaint was filed on January 9, 2017.
- 32. I further understand that the Complaint identifies specific advertisements and advertising claims that Plaintiffs are challenging. None of the advertisements featured in the Complaint are currently being disseminated in the form challenged in the Complaint.
- 33. In or around May 2016, the graph featured on the Prevagen package depicted in Exhibit A of the Complaint was removed. Quincy has no intention of disseminating the graph depicted in Exhibit A of the Complaint in the future in any marketing or advertising materials relating to Prevagen without including one of the Qualifiers (as defined below).
- 34. The advertisement included as Exhibit B of the Complaint stopped being disseminated in the form challenged in the Complaint. Quincy has no intention of disseminating the advertisement depicted in Exhibit B of the Complaint in the future without including one of the Qualifiers.
- 35. The versions of the Prevagen website pages attached as Exhibit C of the Complaint were removed on or about March 2016. Exhibit C of the Complaint is not the current version of the website and has not been since on or about March 2016. Quincy has no intention of disseminating the website page depicted in Exhibit C of the Complaint in the future.
- 36. The Fourth Edition of the Brain Health Guide, attached as Exhibit D of the Complaint, was replaced with the Fifth Edition in or about the summer of 2016. The Fourth

Edition of the Brain Health Guide is no longer being disseminated and Quincy has no intention of disseminating it in the future.

- 37. The infomercial included as Exhibit E of the Complaint began airing in or around June 2013 and stopped airing in or around June 2014. Quincy has no intention of disseminating the infomercial included as Exhibit E of the Complaint (or any other infomercial) in the future.
- 38. The image of the bus depicted in Exhibit F of the Complaint is from the Better Memory Tour. The Better Memory Tour occurred beginning in or about 2011. The Better Memory Tour has not been active since 2015. Quincy has no intention of resuming it in the future.

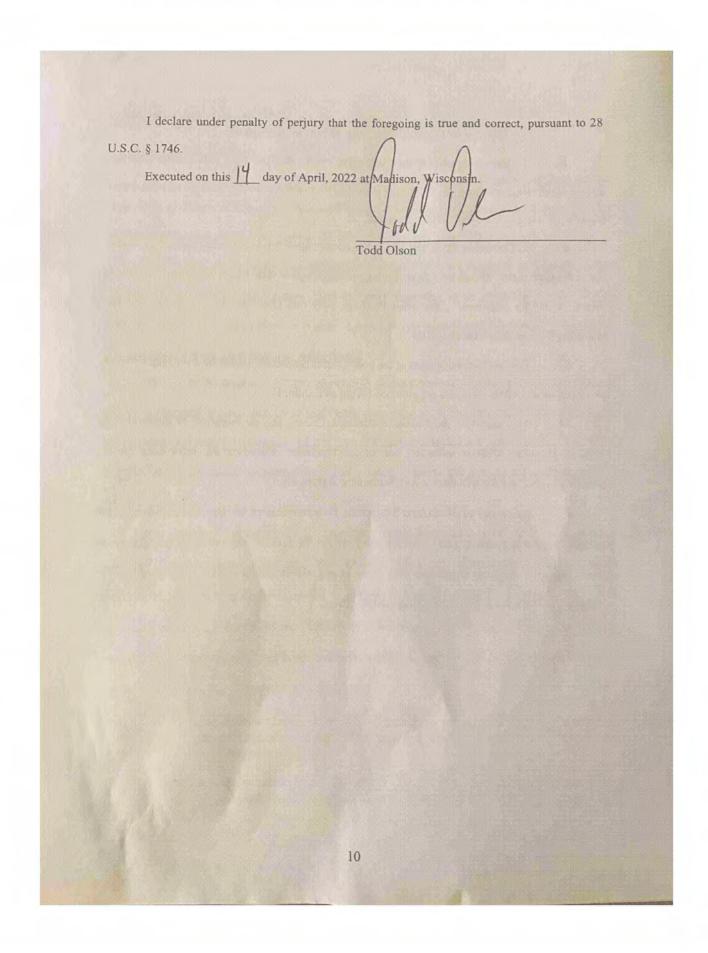






- 42. In December 2020, the labels for all Prevagen Products were changed to include one of the Qualifiers: "Based on a clinical study of subgroups of individuals who were cognitively normal or mildly impaired." Prevagen Products with this Qualifier were available for sale beginning in or around February 2021.
- 43. True and correct copies of labels for Prevagen Products have been produced to Plaintiffs are attached hereto as Exhibit F.



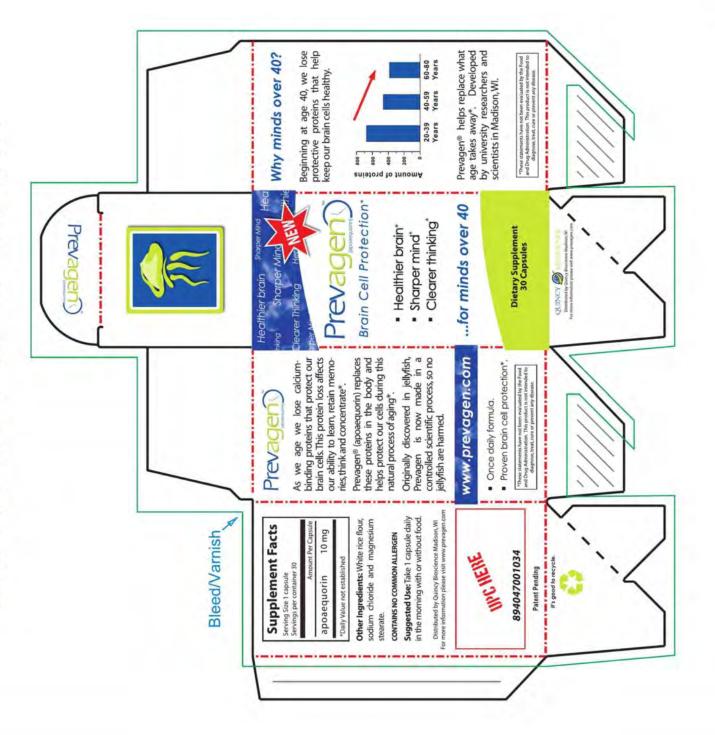


## **EXHIBIT A**



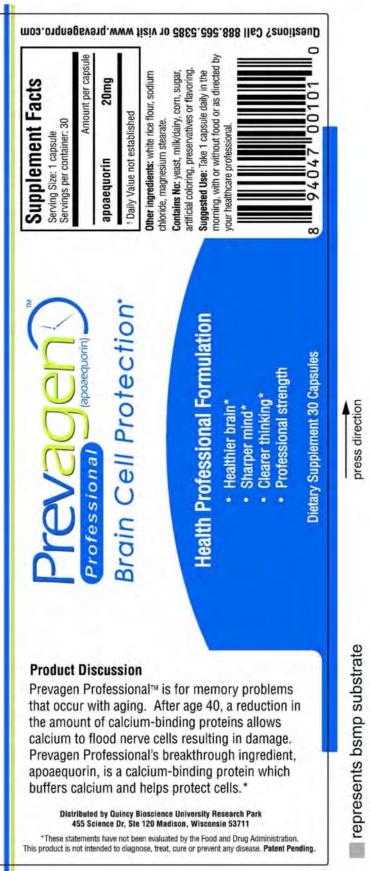


## **EXHIBIT B**





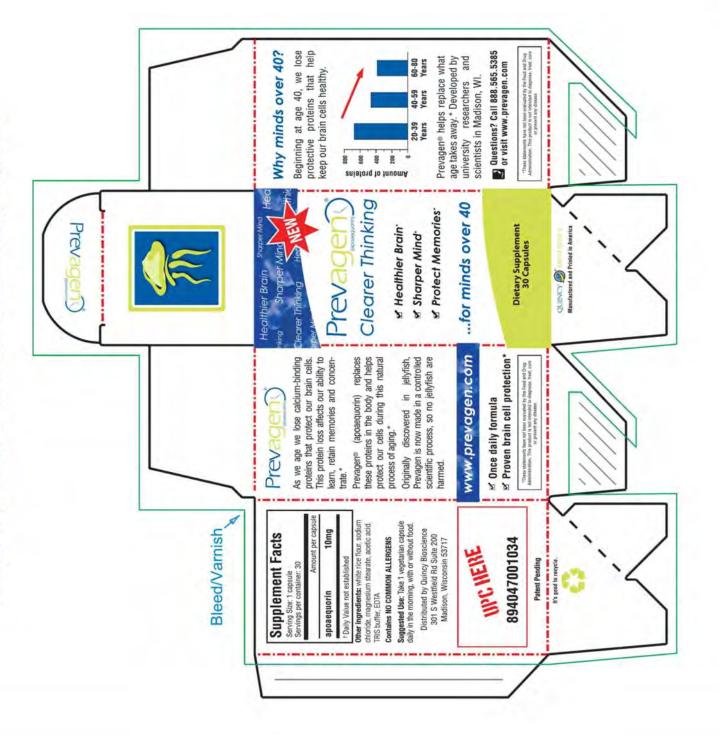
Label #313978 (4/21/09)



represents bsmp substrate



## **EXHIBIT C**





## Questions? Call 888.895.6463 or visit www.prevagenpro.com Amount per capsule Supplement Facts

New Stronger Formula

## Serving Size: 1 capsule Servings per container: 30

apoaequorin

Daily Value not established

sodium chloride, magnesium stearate, acetic acid, TRIS buffer, EDTA Other ingredients: white rice flour

Contains No: yeast, milk/dairy, corn, sugar

Suggested Use: Take 1 vegetarian capsule daily in the morning, with or without food or as directed by your healthcare professional. artificial coloring, preservatives or flavoring

# Health Professional Formulation

Jearer Thinking

- Healthier brain\*
- Sharper mind\*
- Professional strength

Dietary Supplement 30 Capsules

## **Product Discussion**

Professional

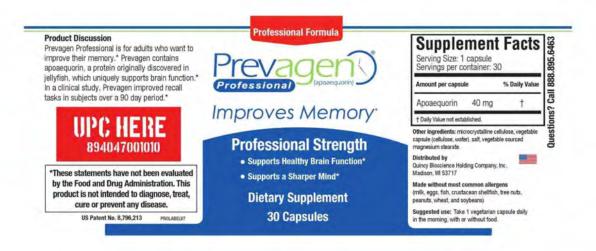
Prevagen Professional® is for memory problems associated with aging. After age 40, a reduction in protective calcium-binding proteins allow calcium to accumulate in neurons and cause toxicity. Prevagen Professional's breakthrough ingredient apoaequorin is a naturally produced calcium-binding protein which helps protect cells and improves memory.\*

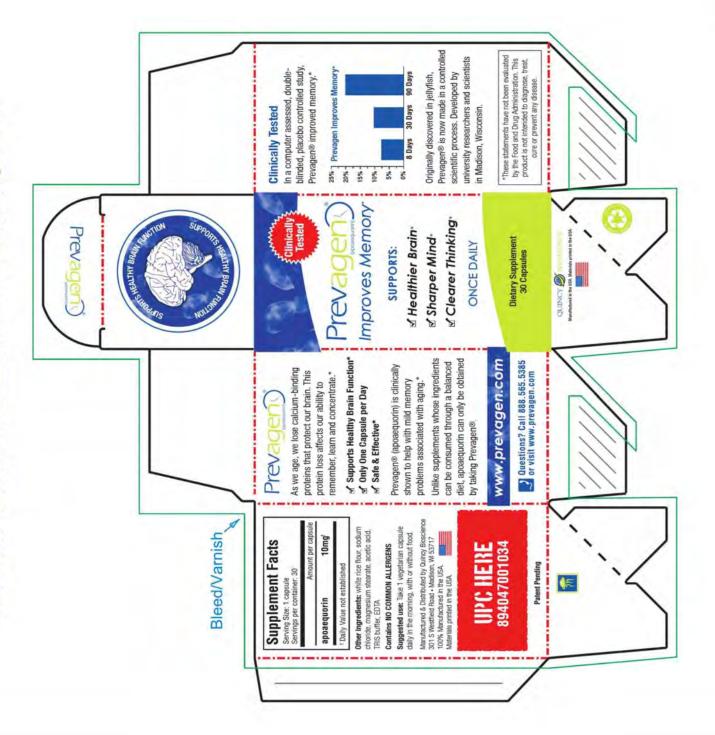
> Distributed by Quincy Bioscience 301 S. Westfield Rd, Suite 200 Madison, Wisconsin 53717



\*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease, Patent Pending.

## **EXHIBIT D**











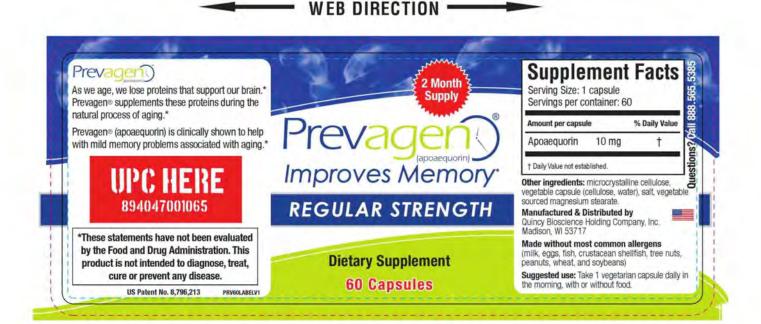




5.75 in



## EXHIBIT E

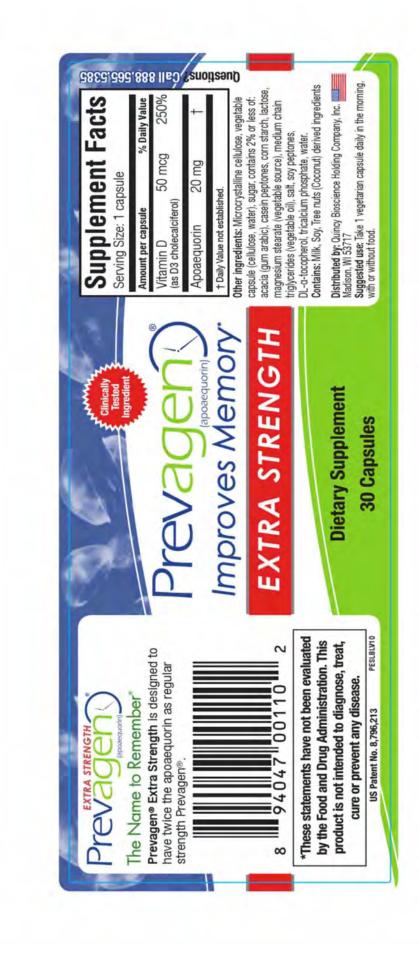


2.75" x 7.0" Round Corner with .125" Corner Radius

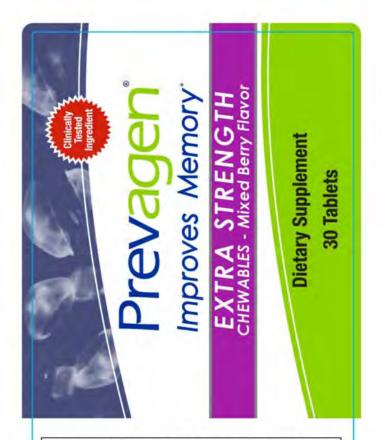
-- Bleed Line

Die Line

Safe Copy Area-art should be kept within blue dotted line. If bleed off border, border should be at least 1/16" thick to allow for press movement.



Case 1:17-cv-00124-LLS Document 224-5 Filed 04/14/22 Page 3 of 18



to diagnose, treat, cure or prevent any disease. and Drug Administration. This product is not intended These statements have not been evaluated by the Food

### Questions? Call 888,565,5385

contains a 30 day supply. Strength. It is safe and easy to take. Each bottle with twice the apoaequorin as Prevagen Regular designed for great-tasting mixed berry flavor

Percent Daily Values are based on a 2,000 cal

+ Daily Value not established.

20 mg

Apoaequorin

Other ingredients: Sorbitol, mannitol, natural flavors.

250%

50 mcg

as D3 cholecalciferol)

Atamin D

otal Carbohydrate

Amount per tablet

% Daily Value <1%1>

Supplement Facts

Serving Size: 1 tablet

th Chewables is

Prevagen® Extra Strenging			
one diet.	contains 2% color), casein m stearate le oil), tract), salt, eservative),	dients y, Inc.	

Suggested use: Take one tablet daily in the morning, (vegetable source), medium chain triglycerides (vegetabl) organic agave inulin, organic rebaudioside A (stevia ext soy peptones, stearic acid, sugar, DL-a-tocopherol (pre Contains: Milk, Soy, Tree nuts (Coconut) derived ingred Distributed by: Quincy Bioscience Holding Compan Madison, WI 53717 peptones, citric acid, corn starch, lactose, magnesiur or less of: acacia (gum arabic), beet juice powder (for ricalcium phosphate, water.

with or without food.

## INSIDE VIEW ADIS DETAINS

### QUINCY / CAD# 31253 PREVAGEN 30 CAPSULES



## INSIDE VIEW ADIS DETAINS

### QUINCY / CAD# 31253 PREVAGEN 30 CAPSULES



## INSIDE VIEW ADIS DETAINS

### QUINCY / CAD# 31253 PREVAGEN 30 CAPSULES



### INSIDE VIEW BOIR DETAINS

### QUINCY BIOSCIENCE PREVAGEN 30 CAPSULES CAD# 29444











\*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

#### Questions? Call 888,565,5385

Prevagen is clinically shown to help with mild memory loss associated with aging.\* In a computer-gasseck, double-blinded, placebo-controlled clinical study, Prevagen improved certain aspects of cognitive function over a 90 day period.\*

Supplement Facts
Serving Size: 1 capsule
Amount per capsule
Amount per capsule
Nitarnin D
So mog 250%
Iso 33 chole-aidrens)
Apoaguorin 10 mg †
1 Daily vita not exableded in 10 mg †
1 Daily vita not exableded in 10 mg †
1 Daily vita not exableded in 10 mg †
1 Daily vita not exableded in 10 mg †
1 Daily vita not exableded in 10 mg †
1 Daily vita not exableded in 10 mg †
1 Daily vita not exableded in 10 mg †
1 Daily vita not exableded in 10 mg mg/ded contain main mg/ded mg mg/ded scarce), mg/ded scarce), mg/ded containe mg mg/ded in 10 mg mg/ded containe in 10 mg mg/ded in 10 mg/ded for scarce), mg/ded mg/ded for great in 10 mg mg/ded in 10 mg mg/der in 10 mg/ded for great in 10 mg mg/der in 10 mg/der in 10 mg mg/der in 10 mg mg/der in 10 mg mg/der in 10 mg mg/der in 10 mg/der in

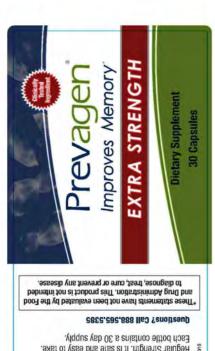


### Questions? Call 888.565.5385

Prevagen® Extra Strength Chewables is designed for great-tasting mixed berry flavor with twice the aposequorin as Prevagen Regular Strength. It is safe and easy to take. Each bottle contains a 30 day supply.

acts	% Daily Value	<1%**	250%	+	calorie diet.	s contains 29 for color), casel tion stearate table of), extract sait preservative), gradients pan, inc.
ant Fa	% D:	1.9	50 mcg 250%	20 mg	based on a 2,000	to, natural flavor it juice powder (f bictose, magnes bictose, higher didoside A (stevia 3L-a-bocopherol 3L-a-bocopherol didoside didoside daily in the mon daily in the mon
Supplement Facts Serving Size: 1 tablet	Amount per tablet	Total Carbohydrate		Apoaequorin		Other ingrediests Schole, mortals during factor, control 75, who is according to market, best juic present for cold, core stand, bettere, magnetism steame performes, office acid, core stand, bettere, magnetism steamed to specificate and our stand feet and our stand stand stand to specificate acid, or specificate acid, better in organic relations of the more control of the more organical presentation. Better more flower, flower or organical presentation of the more flower, flower or organical presentations of the more flower, flower or organical presentations of the more flower, flower or organical presentations of the more flower, flower





Prevagen® Extra Strength is designed to have twice the aposequorin as Prevagen Regular Strength, It is safe and easy to take. Each bottle contains a 30 day supply.

|--|



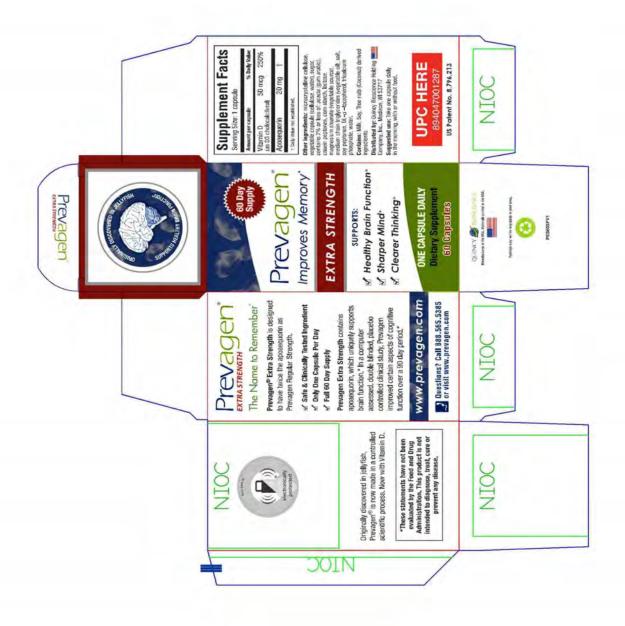
\*These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, curre or prevent any disease.

### Questions? Call 888.565.5385

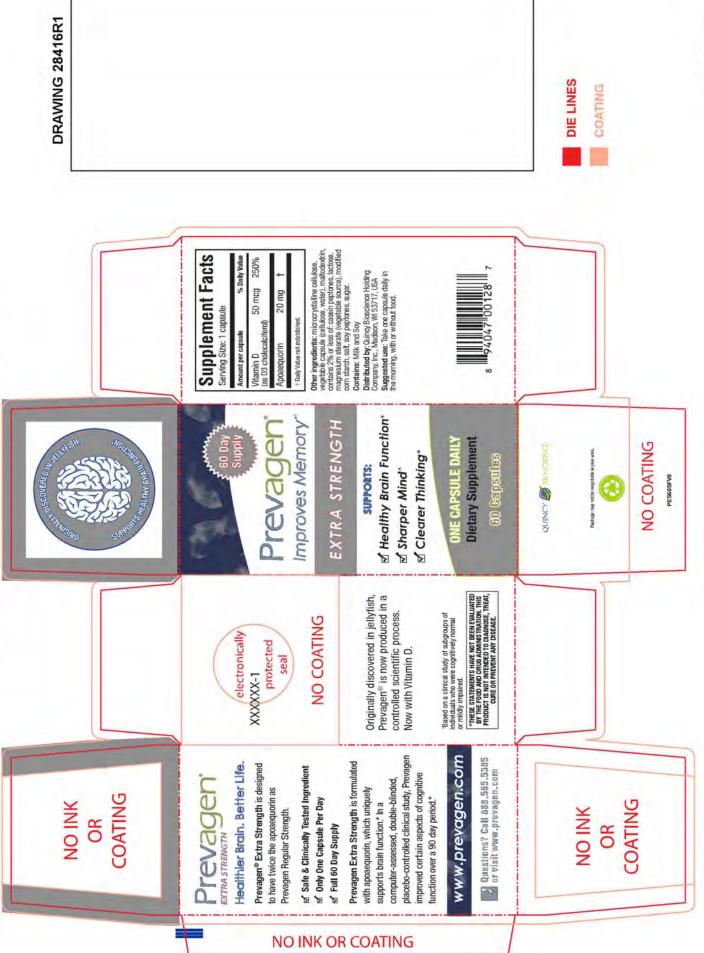
Prevagen® Chewables is designed for great-tasting mixed berry flavor. In a computer-sasesed, double-blinded, piscebo controlled clinical study, Prevagen improved certain aspects of cognitive function over a 90 day period.\*

acts	Daily Value	<1%**	250%	+-	calorie diet.	rs, contains 27 for colors, case for colors, case organic agains soy peptones prodients pany, inc.
ant F	Q %	19	50 mcg	10 mg	sed on a 2,000	mannto, natura flavora, se magnesim stanta (se se magnesim stanta (se crendes (segetable of), or crendes (segetable of), or copherol (preservative), bit is copherol (preservative), bit is socience holding Compara socience holding Compara socience holding Compara safet daily in the morning
Supplement Facts Serving Size: 1 tablet	Amount per tablet	Total Carbohydrate	Vitamin D (as D3 cholecalciferol)	Apoaequorin	Percent Daily Values are hissed on a 2,000 calone diet † Daily Value not established.	The first dependancy School, member hand it stores control 25% to less of exacts (part analysis best joint powers) for cocky, considerations can attach the less mappening asserts (respectable and control member and control member and control member and control member and control contro





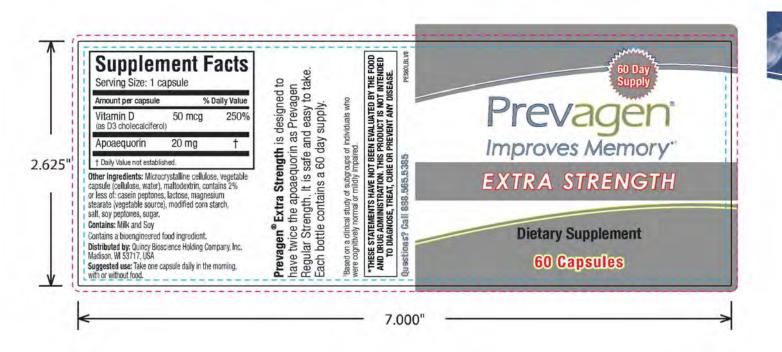
# **EXHIBIT F**



Case 1:17-cv-00124-LLS Document 224-6 Filed 04/14/22 Page 2 of 6

Case 1:17-cv-00124-LLS Document 224-6 Filed 04/14/22 Page 3 of 6

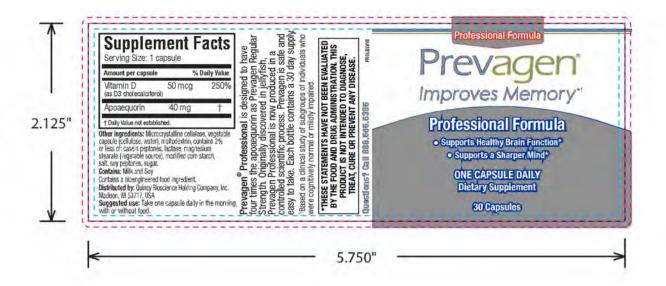




2.625" x 7.0" Round Corner with .015625" Corner Radius

Bleed Line Die Line

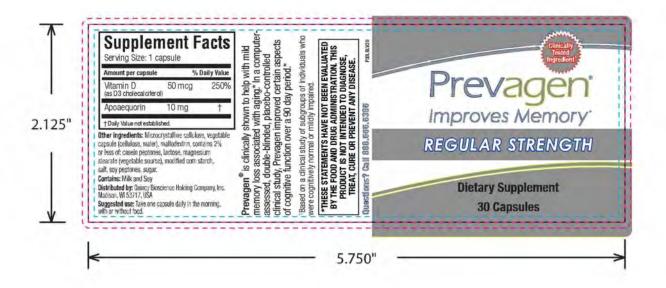
Safe Copy Area-art should be kept within blue dotted line. If bleed off border, border should be at least 1/16" thick to allow for press movement.



2.125" x 5.75" Round Corner with .015625" Corner Radius

Bleed Line
Die Line

Safe Copy Area-art should be kept within blue dotted line. If bleed off border, border should be at least 1/16" thick to allow for press movement.



2.125" x 5.75" Round Corner with .015625" Corner Radius

Bleed Line Die Line

Safe Copy Area-art should be kept within blue dotted line. If bleed off border, border should be at least 1/16" thick to allow for press movement.